

**To:** Dixon, Douglas[Dixon.Douglas@epa.gov]; Mahmud, Shahid[Mahmud.Shahid@epa.gov]; Kulpan, Bruce[Kulpan.Bruce@epa.gov]; Marcy, Ken[Marcy.Ken@epa.gov]; Hautamaki, Jared[Hautamaki.Jared@epa.gov]; Ergener, Deniz[Ergener.Deniz@epa.gov]  
**From:** Lesser, Ben  
**Sent:** Fri 11/6/2015 11:16:05 PM  
**Subject:** RE: Wednesday's meeting RE: 108b pilot projects  
CERCLA 108(b) Pilot Projects Workplan 11-6-15.docx

# Nonresponsive

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**From:** Lesser, Ben  
**Sent:** Tuesday, October 27, 2015 5:24 PM  
**To:** Dixon, Douglas <Dixon.Douglas@epa.gov>; Mahmud, Shahid <Mahmud.Shahid@epa.gov>; Kulpan, Bruce <Kulpan.Bruce@epa.gov>; Marcy, Ken <Marcy.Ken@epa.gov>; Hautamaki, Jared <Hautamaki.Jared@epa.gov>; Ergener, Deniz <Ergener.Deniz@epa.gov>  
**Subject:** Wednesday's meeting RE: 108b pilot projects

<< File: Pilot projects draft.docx >>

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We seem to be missing a written description of the Buckhorn Mine and Kettle River Tailings

Facility.

Also, I am frankly concerned about the measures. Without them there's no way to assess whether this project was worth the money we are requesting. So, during our meeting tomorrow I invite all of us to put on our thinking caps and see what we can develop.

Draft agenda:

- 1) Call purpose and agenda review - Ben
- 2) Review of remaining follow-up items--All

Ben - continue investigating funds & advocate for the full \$50k.

Ken - now that the group has accepted your selections, please write and circulate to us a draft goal/objectives statement encompassing both sites. BY 5pm WEDS 10/21 (ok?) Please wait until after our review to share with WA.

- 3) Review the draft project plan (attached)--Ben/All
- 4) Develop metrics for this project to assure that we fulfill the objectives--All
- 5) Next steps and adjourn--Ben/all

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**From:** Lesser, Ben

**Sent:** Thursday, October 22, 2015 11:37 AM

**To:** Dixon, Douglas <Dixon.Douglas@epa.gov>; Mahmud, Shahid <Mahmud.Shahid@epa.gov>; Kulpan, Bruce <Kulpan.Bruce@epa.gov>; Marcy, Ken <Marcy.Ken@epa.gov>; Hautamaki, Jared <Hautamaki.Jared@epa.gov>; Ergener, Deniz <Ergener.Deniz@epa.gov>

**Subject:** RE: Post-call follow-up RE: Discussion of 108b pilot projects

# Nonresponsive

Ben Lesser  
(703) 308-0314

**From:** Dixon, Douglas

**Sent:** Thursday, October 22, 2015 9:57 AM

**To:** Lesser, Ben <Lesser.Ben@epa.gov>; Mahmud, Shahid <Mahmud.Shahid@epa.gov>; Kulpan, Bruce <Kulpan.Bruce@epa.gov>; Marcy, Ken <Marcy.Ken@epa.gov>; Hautamaki, Jared <Hautamaki.Jared@epa.gov>; Ergener, Deniz <Ergener.Deniz@epa.gov>

**Subject:** RE: Post-call follow-up RE: Discussion of 108b pilot projects

<< File: InitPAsummsbenefits.docx >> I'm attaching a file with summaries of the two pilots completed (Cripple Creek and Thompson Creek). OSRE played a small role in the much broader mineral processing category of the National Enforcement Initiative. Van Housman was doing an incredible amount of work, but the measures for his portion of the initiative don't really fit with how we might classify "success" for the PA/SI pilots. Below is text taken from the mineral processing summary from a few years ago (the last paragraph before "Quantitative" referred to the CERCLA pilots):

EPA will take action to minimize or eliminate risks to drinking water and other threats to communities and the environment from illegal or high risk hazardous waste operations at phosphoric acid and other high risk mineral processing facilities.

## **1. External Measures**

By no later than the end of FY 2013, complete the inspection of the highest risk mineral processing facilities.

By no later than the end of FY 2014, all phosphoric acid facilities will be on an enforceable schedule to comply with the applicable environmental laws (including financial assurance requirements) to reduce risk to surrounding communities and drinking water supplies.

By no later than the end of FY 2016, all of the highest risk mineral processing facilities will be on an enforceable schedule to comply with the applicable environmental laws (including financial assurance requirements) to reduce risk to surrounding communities and drinking water supplies.

EPA will use its enforcement and cleanup authorities to minimize or eliminate risks to communities and the environment from high risk mining operations. Data, including financial assurance information, will be collected and analyzed to assess the benefits and accomplishments of the pilot CERCLA site assessments.

### *a) Quantitative External Measures*

Number of phosphoric acid facilities addressed (are put on an enforceable schedule):

Universe = 16

Baseline = 2

Target Year = 2014 = 16 (100%)

Number of highest risk mineral processing sites inspected:

Universe = 79  
Baseline = 53  
Target Year 2013 = 79 (100%)

Number of highest risk mineral processing sites addressed (are put on an enforceable schedule):

Universe = 79  
Baseline = 53  
Target Year 2016 = 26 (100%)

As we've said, the goal of the PA/SI pilots is to get involved at active mining sites early in the process to identify potential problems now while the mining company is still financially viable and able to address any problems identifies. As summarized in the attachment, we believe identifying the shortfall in financial assurance at Thompson Creek will hopefully lead to an increased amount of funding in the future to address any problems left behind by the mining company. And at Cripple Creek, identifying the need for the permit in the future will hopefully lead to the mining company making adjustments in the long term plans now to address that concern. For neither of these can we say "we saved the day", but we're hoping, as I said, that the awareness now will help to avoid a larger problem and huge drain on the Fund in future years. The only way to definitively determine success is to re-visit those sites in 5/10/20/50 years to see what their status is at that time. That's not to say that a future pilot might produce a bigger "bang" by discovering a major, immediate threat through PA/SI, or providing for a substantial increase in FA and seeing the mining company file for bankruptcy within the next year. But it's difficult to assign some kind of measure like Van did, or like other programs (like RCRA, air, water, etc.) use annually to report and determine success.

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**From:** Lesser, Ben

**Sent:** Thursday, October 15, 2015 4:58 PM

**To:** Mahmud, Shahid <[Mahmud.Shahid@epa.gov](mailto:Mahmud.Shahid@epa.gov)>; Kulpan, Bruce <[Kulpan.Bruce@epa.gov](mailto:Kulpan.Bruce@epa.gov)>; Dixon, Douglas <[Dixon.Douglas@epa.gov](mailto:Dixon.Douglas@epa.gov)>; Marcy, Ken <[Marcy.Ken@epa.gov](mailto:Marcy.Ken@epa.gov)>; Hautamaki, Jared <[Hautamaki.Jared@epa.gov](mailto:Hautamaki.Jared@epa.gov)>; Ergener, Deniz <[Ergener.Deniz@epa.gov](mailto:Ergener.Deniz@epa.gov)>

**Subject:** Post-call follow-up RE: Discussion of 108b pilot projects

Thanks again for your participation, great ideas and willingness to help move this project forward, folks!

Follow-up items I have are:

Ben - continue investigating funds & advocate for the full \$50k.

Ben - schedule another call, preferably on 10/26. Use a conference line with more capacity.

Ken - now that the group has accepted your selections, please write and circulate to us a draft goal/objectives statement encompassing both sites. BY 5pm WEDS 10/21 (ok?) Please wait until after our review to share with WA.

# Nonresponsive

Ben Lesser  
(703) 308-0314

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**From:** Lesser, Ben  
**Sent:** Thursday, October 15, 2015 3:54 PM  
**To:** Mahmud, Shahid; Kulpan, Bruce; Dixon, Douglas; Marcy, Ken  
**Subject:** RE: Discussion of 108b pilot projects

Draft agenda:

- 1) Call purpose/agenda review--Ben
- 2) Review lessons learned from the last pilot project--Doug
- 3) Review reasons for selection of the Buckhorn Mine and Kettle River Tailings Facility as pilot projects--Ken
- 4) Develop an objectives (goal) statement for this project--Ken/all
- 5) Develop metrics for this project to assure that we fulfill the objectives--Ken/all
- 6) Next steps and adjourn--Ben/all

(NOTE: Although half an hour isn't long enough for this discussion, that's what's available on calendars. If we don't complete our discussion today we can reschedule for noon (EDT) next Tuesday 10/20 or 10/26.)

-----Original Appointment-----  
**From:** Lesser, Ben

**Sent:** Wednesday, October 14, 2015 11:34 AM

**To:** Mahmud, Shahid; Kulpan, Bruce; Dixon, Douglas; Marcy, Ken

**Subject:** Discussion of 108b pilot projects

**When:** Thursday, October 15, 2015 4:00 PM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** DCRoomPYN6781/DC-Potomac-Yard-North-OSW; CALL Nonresponsive Conference Code

**PARTICIPANT CODE:** Nonresponsive Conference Code

During this meeting we will discuss Ken's proposed pilot projects (see below) and:

- 1) Review lessons learned from the last pilot project
- 2) Review reasons for selection of the Buckhorn Mine and Kettle River Tailings Facility as pilot projects
- 3) Develop an objectives (goal) statement for this project
- 4) Develop metrics for this project to assure that we fulfill the objectives

Although half an hour isn't long enough for this discussion, that's what's available on calendars. Both Bruce and Doug show tentative commitments during this time and I'm hoping that they can free themselves to engage with us so that we can move forward with this project. If not, we'll have to schedule for noon (EDT) next Tuesday or wait until 10/26 to meet.

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**From:** Lesser, Ben  
**Sent:** Tuesday, October 13, 2015 9:26 AM  
**To:** Marcy, Ken; Kulpan, Bruce  
**Cc:** Mahmud, Shahid  
**Subject:** RE: 108b pilot projects

Ok. I will ask my budget folks about the missing \$ and see if we can get \$50k.

Ben

**From:** Marcy, Ken  
**Sent:** Friday, October 09, 2015 6:18 PM  
**To:** Lesser, Ben; Kulpan, Bruce  
**Cc:** Mahmud, Shahid  
**Subject:** RE: 108b pilot projects

Ben - there were originally three sites - the Buckhorn/Kettle River, Grouse Creek, and Kinross Delamar. We decided to focus on the first site since GC and KD are only focused on FA for long term water treatment. The Buckhorn mine is an underground gold mine (several water quality violations) but processing and tailings disposal occur about 50 miles away at the Kettle River site. R10 wants funding to complete an SI with

analysis of release scenarios from the tailings facility - and a Financial Assurance cost estimate (Kuipers). We could spend a good 50K just on this site, if not more - so I'd like to request the full 50. Thanks, Ken

**From:** Lesser, Ben  
**Sent:** Friday, October 09, 2015 2:25 PM  
**To:** Marcy, Ken <[Marcy.Ken@epa.gov](mailto:Marcy.Ken@epa.gov)>; Kulpan, Bruce <[Kulpan.Bruce@epa.gov](mailto:Kulpan.Bruce@epa.gov)>  
**Cc:** Mahmud, Shahid <[Mahmud.Shahid@epa.gov](mailto:Mahmud.Shahid@epa.gov)>  
**Subject:** RE: 108b pilot projects

Sorry--you've named them below. No third site, I assume? I think someone mentioned to me that there would be only two sites. Perhaps that decreases the need somewhat. Please let me know.

**From:** Lesser, Ben  
**Sent:** Friday, October 09, 2015 5:19 PM  
**To:** Marcy, Ken; Kulpan, Bruce  
**Cc:** Mahmud, Shahid  
**Subject:** RE: 108b pilot projects

Ken,

The initial proposal was for \$75k (see attached.) My office's August execution report shows \$40k committed, \$35k remaining. The September report just shows \$35k. Someone has apparently been drawing down the funds, or perhaps they were shifted to another, more active, work assignment.

In any case, I don't recall the final pilot sites being chosen. If they have been chosen I would like to know what they are, and your schedule for committing (better yet, obligating) the remaining funds.

Also, need to know whether you, Bruce or Shahid knows where the \$40k has gone before I go asking my budget folks.

Thanks,

Ben

**From:** Marcy, Ken  
**Sent:** Friday, October 09, 2015 4:37 PM  
**To:** Lesser, Ben; Kulpan, Bruce  
**Cc:** Mahmud, Shahid  
**Subject:** RE: 108b pilot projects

Ben- are you referring to the OECA enforcement initiative? My understanding was that we were getting 50K for this. We are targeting the Buckhorn Mine and Kettle River tailings facility (WA) for this project. I've been in contact with Washington State Department of Ecology, and looks like great timing - they are having difficulty with Kinross concerning getting FA in place - the iron is hot, so if we could nail down the timing on this, and get the \$ on our START contract, that would be great. We would want Kuipers and Associates for the FA piece - wondering if we work through the Skeo contract on that, or have START sub out to him.

**Ken Marcy | Regional Mining Coordinator, national priorities list coordinator**

**U.S. Environmental Protection Agency | Region 10**

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[marcy.ken@epa.gov](mailto:marcy.ken@epa.gov)



**From:** Lesser, Ben  
**Sent:** Friday, October 09, 2015 12:48 PM  
**To:** Marcy, Ken <[Marcy.Ken@epa.gov](mailto:Marcy.Ken@epa.gov)>; Kulpan, Bruce <[Kulpan.Bruce@epa.gov](mailto:Kulpan.Bruce@epa.gov)>  
**Cc:** Mahmud, Shahid <[Mahmud.Shahid@epa.gov](mailto:Mahmud.Shahid@epa.gov)>  
**Subject:** RE: 108b pilot projects

Bruce, has this \$35k been obligated?

Thanks,

Ben

**From:** Lesser, Ben  
**Sent:** Monday, June 29, 2015 3:34 PM  
**To:** Marcy, Ken  
**Cc:** Mahmud, Shahid ([Mahmud.Shahid@epa.gov](mailto:Mahmud.Shahid@epa.gov))  
**Subject:** 108b pilot projects

Ken,

Following our phone conversation just now, I've attached as promised the funding proposal that was accepted for the FY15 operating plan.

I understand that you have now identified a couple of mines to serve as pilot sites and I look forward to learning their identities and, even more, to learning that the funds have been obligated to a contract so that the work can commence and the money is no longer at risk of being rescinded and used elsewhere.

With regards,

Ben

Ben Lesser

(703) 308-0314